

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08	UNITED STATES OF AMERICA,)	
)	CASE NO. CR04-354-JCC
09	Plaintiff,)	
)	
10	v.)	SUMMARY REPORT OF U.S.
)	MAGISTRATE JUDGE AS TO
11	JOSEPH RYAN SCHRAW,)	ALLEGED VIOLATIONS
)	OF SUPERVISED RELEASE
12	Defendant.)	
	_____)	

14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on May 12, 2010. The United States was represented by AUSA Lisca Borichewski for Patricia
16 Lally and the defendant by Nancy Tenney. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about January 7, 2005 by the Honorable John C.
18 Coughenour on a charge of Possession with Intent to Distribute Methamphetamine, and
19 sentenced to 60 months custody, 5 years supervised release. (Dkt. 64.)

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant cooperate in the collection of DNA, be prohibited from possessing
22 a firearm, submit to drug testing and substance abuse treatment, abstain from alcohol, submit to

01 search, participate in a mental health program, reside in a community corrections center program
02 for up to 90 days, provide his probation officer with financial information as requested, maintain
03 a single checking account for all financial transactions, divulge any business interests, and
04 disclose all assets and liabilities.

05 On September 17, 2009, defendant's probation officer reported that he had tested positive
06 for heroin. He was reprimanded, referred for counseling, and the frequency of testing was
07 increased. No further action was taken at the time. (Dkt. 88.) On January 4, 2010, defendant's
08 probation officer reported that defendant had used methamphetamine and heroin. He was
09 reprimanded and the frequency of testing was increased. No further action was taken at the time.
10 (Dkt. 89.)

11 In an application dated April 8, 2010 (Dkt. 90, 91), U.S. Probation Officer Sara K. Moore
12 alleged the following violations of the conditions of supervised release:

- 13 1. Using heroin on or before June 4, 2009, in violation of standard condition 7.
- 14 2. Using methamphetamine and heroin on or before October 16, 2009, in violation
15 of standard condition 7.
- 16 3. Using methamphetamine and heroin on or before November 3, 2009, in violation
17 of standard condition 7.
- 18 4. Using opiates on or before February 18, 2010, in violation of standard condition
19 7.

20 Defendant was advised in full as to those charges and as to his constitutional rights.

21 Defendant admitted alleged violations 1, 2, and 3 and waived any evidentiary hearing as
22 to whether they occurred. The government moved to dismiss alleged violation 4 and to substitute

01 supplemental violation 5, alleging the use of amphetamines instead of opiates on the same date.
02 Defendant entered a denial of violation 5 and requested an evidentiary hearing before a
03 Magistrate Judge.

04 I therefore recommend the Court find defendant violated his supervised release as alleged
05 in violations 1, 2, and 3, that the Court conduct a hearing limited to the issue of disposition on
06 those violations, and that the Court dismiss violation 4. The disposition hearing will be set before
07 Judge Coughenour. An evidentiary hearing on violation 5 has been scheduled before a
08 Magistrate Judge. Pending a final determination by the Court, defendant has been released on the
09 conditions of supervised release.

10 DATED this 12th day of May, 2010.

11 

12 Mary Alice Theiler
13 United States Magistrate Judge

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15 cc: District Judge: Honorable John C. Coughenour
16 AUSA: Patricia Lally
17 Defendant's attorney: Nancy Tenney
18 Probation officer: Sara K. Moore
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